



03/26/01

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
REQUEST FOR FILING APPLICATION UNDER RULE 1.53(b)**

Pursuant to 37 CFR 1.53(b), please file a ☐ continuation/☒ divisional  
of the pending prior PATENT APPLICATION of:

Inventor: MISHRA et al

Serial No. 09/376,487

Filed: March 23, 2001

For: **INJECTABLE AQUEOUS DISPERSIONS OF PROPOFOL**

Assistant Commissioner for Patents

Washington, DC 20231

Sir:

Atty Dkt.: 121-272

C# M#

Date: March 26, 2001

Group: 1617

Examiner: Weman

11050 U.S. PTO  
09/820371

This request for filing under Rule 53(b) is made by the following named inventor(s) (using the above-identified title):

Inventor(s): MISHRA et al

- ☒ Attached is a true copy of the prior application as originally filed including the specification, claims, Oath/Declaration and drawings (if any) and abstract (if any). No amendments (if any) referenced in the Oath or Declaration filed to complete the prior application introduced new matter.
- ☐ Priority is hereby claimed under 35 USC 119 based on the following foreign applications, the entire content of which is hereby incorporated by reference in this application:

<u>Application Number</u>	<u>Country</u>	<u>Day/Month/Year/Filed</u>
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- ☐ certified copy(ies) of foreign application(s) attached or
- ☐ already filed on \_\_\_\_\_ in prior appln. no. \_\_\_\_\_ filed \_\_\_\_\_
- ☐ already filed in \_\_\_\_\_ filed \_\_\_\_\_
- ☒ Please amend the specification by inserting before the first line: --/This application claims the benefit of U.S. Provisional Application No. 60/197,071, filed August 19, 1998, the entire content of which is hereby incorporated by reference in this application.--
- ☒ The prior application is assigned to RTP Pharma Inc..
- ☒ Power of Attorney has been granted to Arthur R. Crawford et al, Reg. No. 25,327 of Nixon & Vanderhye P.C., 1100 N. Glebe Rd., 8<sup>th</sup> Floor, Arlington, VA 22201.
- ☒ Address all future communications to: Nixon & Vanderhye P.C., 1100 N. Glebe Rd., 8<sup>th</sup> Floor, Arlington, VA 22201.
- ☒ Please amend the specification by inserting before the first line --This is a division of application Serial No. 09/376,487, filed August 18, 1999, now pending, the entire content of which is hereby incorporated by reference in this application.--
- ☒ The Examiner's attention is directed to the prior art cited in the parent application by applicant and/or Examiner for the reasons stated therein.
- ☒ Please enter the attached and/or below preliminary amendment prior to calculation of filing fee:
- Cancel claims 1 through 12.**
- ☒ The entire disclosure of the prior application above-referenced is considered as being part of the disclosure of this new application and is hereby incorporated by reference therein.
- ☒ Also attached: ☒ Information Disclosure Statement ; ☐ Non-Publication Request; ☐ Other:
- Pr liminary Amendment**

**FILING FEE IS BASED ON CLAIMS AS FILED LESS ANY HEREWITH CANCELED**

Basic Filing Fee		\$	710.00
Total effective claims	36 - 20 (at least 20) = 16	x \$ 18.00	\$ 288.00
Independent claims	6 - 3 (at least 3) = 3	x \$ 80.00	\$ 240.00
If any proper multiple dependent claims now added for first time, add \$270.00 (ignore improper)			\$ 270.00
		<b>SUBTOTAL</b>	\$ 1508.00
Assignment Recording Fee (\$40.00)			\$ 0.00)
		<b>TOTAL FEE ENCLOSED</b>	\$ 1,508.00

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension. The Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our **Account No. 14-1140**. A duplicate copy of this sheet is attached.

1100 North Glebe Road, 8<sup>th</sup> Floor  
Arlington, Virginia 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100  
ARC:pfc

NIXON &amp; VANDERHYE P.C.

By Atty: Arthur R. Crawford, Reg. No. 25,327

Signature: \_\_\_\_\_